

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRIAN JORDAN and THERESA JORDAN,

Plaintiffs,

-against-

CITY OF ALBANY, FEDERAL MARINE TERMINALS, INC. and
JOHN MCEWAN,

STIPULATION
DISCONTINUING
ACTION

Lead Case- 1:09-cv-1054
DEP/TJM

Defendants.

BRIAN JORDAN and THERESA JORDAN,

Plaintiffs,

-against-

ALBANY PORT DISTRICT COMMISSION a/k/a PORT OF ALBANY

Defendants.

STIPULATION
DISCONTINUING
ACTION

Member-Case 1:10-cv-
437
DEP/TJM

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of this action, the above entitled action be, and the same hereby is discontinued with prejudice as against ALBANY PORT DISTRICT COMMISSION a/k/a PORT OF ALBANY ONLY, without costs to either party as against the other.

IT IS HEREBY FURTHER STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that this Stipulation does not discontinue ALBANY PORT DISTRICT COMMISSION'S cross-claims against FEDERAL MARINE TERMINALS, INC.

This stipulation may be filed without further notice with the clerk of the Court.

DATED: January 21, 2011

DATED: January 20, 2011

O'CONNELL AND ARONOWITZ

By: Robyn B Eisen

Robyn B. Eisen, Esq.
Attorneys for Plaintiffs
54 State Street
Albany, New York 12207

NICOLETTI HORNIG & SWEENEY

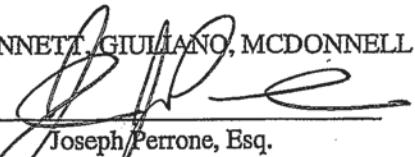
By:

Guerric Russell, Esq.
Attorney for Defendant Albany Port District Commission
a/k/a Port of Albany
Wall Street Plaza
88 Pine Street, Seventh Floor
New York, New York 10005-1801

DATED: January 31, 2011

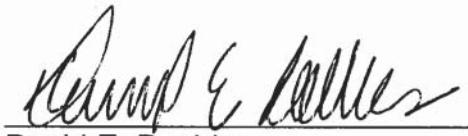
BENNETT, GIULIANO, MCDONNELL & PERRONE, LLP

By:


Joseph Perrone, Esq.
Attorney for Defendant Federal Marine Terminals
and John McEwan
494 Eighth Avenue, 7th Floor
New York NY 10025

IT IS SO ORDERED:

SO ORDERED:


David E. Peebles
U.S. Magistrate Judge

Dated: February 1, 2011